IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

OP.No. 22335 of 2001(S)

OA.1451/1998 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
.....

PETITIONER:

K.M.KOCHUPAPPY, S/O.LATE MATHAI MATHEW,
AGED 56 YEARS, SUB POTMASTER, MANNADY P.O,
RESIDING AT KAITHARATHU HOUSE, MANAMPUZHA,
KUNNATHOOR EAST,
KOLLAM DISTRICT 691 540.

BY ADV. SRI.M.R.RAJENDRAN NAIR (SR.)

RESPONDENTS:
----

1. **THE DIRECTOR GENERAL OF POSTS,**
   DEPARTMENT OF POSTS, NEW DELHI.

2. **THE CHIEF POST MASTER GENERAL, KERALA CIRCLE,**
   THIRUVANANTHAPURAM.

3. **UNION OF INDIA REPRESENTED BY ITS SECRETARY,**
   MINISTRY OF COMMUNICATIONS,
   DEPARTMENT OF POSTS, NEW DELHI.

4. **THE SUPERINTENDENT OF POST OFFICES, PATHANAMTHITTA**
   DIVISION, PATHANAMTHITTA.

BY ADV. SRI.JOHN VARGHESE, SCGSC
SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.P.PARAMESWARAN NAIR, ASG

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.22335/2001

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE LETTER NO.2/25/85-PAP DATED 9.7.1986 ISSUED BY THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE ORDER NO.B/K-23 DATED 16.4.1998 ISSUED BY THE 4TH RESPONDENT.

EXT.P3: TRUE COPY OF THE FINAL ORDER DATED 11.4.2001 IN OA 1451/1998 ON THE FILE OF THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

==========

O.P. NO. 22335 OF 2001

==========

Dated this the 28th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

The original petition arises out of the order passed in OA 1451/1998. The OA was preferred by the applicant to quash A4 and for a declaration that he is entitled to get his pay fixed at a higher stage in the scale of pay of Rs.250-480 by granting him 13 additional increments and also for a direction to fix his pay at a higher stage in the scale of pay of Rs.250-480 as on 20/9/1980 by granting additional increments. The issue turns round the question as to whether the applicant has exercised his option as per OM dated 8.2.83. Tribunal in para 6 of the order has stated that from a reading of A4 it is clear that the applicant has not exercised any option as per OM dated 8.2.1983.

2. Counsel appearing for the petitioner laid stress on the last portion of Ext.P1 communication which reads as follows:

> "The question of re-fixation of pay w.e.f. 25.1.83 in terms of the option exercised by the official under M.O.D.O.M dtd.8.2.83 is under examination."

Counsel submitted that he has exercised option upon noticing Ext.P1 communication, but it was not available to the Tribunal and produced for the first time before us. We will not be justified in examining the correctness or otherwise of the above quoted portion at this stage. OP lacks merits. Hence dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp